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U.S. PATENT AND TRADEMARK

TELEPHONE: (206) 623-4990
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Received by Sound Transit Legal
Department March 7, 2018
PD18-132ORSUB

March 2, 2018

VIA PROCESS SERVER

Sound Transit
Attn: Legal Department
401 South Jackson
Seattle, WA 98104



RE: *Wladyslaw Pestka v. Icicle Seafoods, Inc. et al.*
King County Superior Court Cause No. 17-2-15755-4 SEA

To Whom It May Concern:

Our office represents Defendants Icicle Seafoods, Inc. and Bearing Fishing, LLC in the above-referenced lawsuit filed by Wladyslaw Pestka. Enclosed please find a subpoena *duces tecum* requesting copies of all records relating to ORCA Card No. [REDACTED] (an unregistered card owned by Wladyslaw Pestka) and any other ORCA Card owned by Wladyslaw Pestka (DOB: 02/24/1959, SSN: xxx-xx-[REDACTED]), including those showing trip data (e.g., location, dates, and times of travel).

Please also complete the enclosed Declaration of Records Custodian and return it with the requested records to our offices by no later than March 16, 2018. Should you have any questions regarding the subpoena, please do not hesitate to contact our office.

Very truly yours,

LE GROS BUCHANAN & PAUL

By:


ELIZABETH M. MOORE
Paralegal

cc: Joseph S. Stacey, w/encls.

1 THE HONORABLE BARBARA LINDE

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7 IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
8 AT SEATTLE

9 WLADYSLAW PESTKA,

10 Plaintiff,

11 v.

12 ICICLE SEAFOODS, INC. and BERING
FISHING, LLC;

13 Defendants.

No. 17-2-15755-4 SEA

**SUBPOENA DUCES TECUM TO SOUND
TRANSIT**

14 TO: Records Custodian
15 Sound Transit
16 Attn: Legal Department
401 South Jackson
Seattle, WA 98104

17 **YOU ARE COMMANDED** to produce and permit inspection and copying of the
18 following documents or tangible things that are in your possession or control, at the place,
19 date, and time specified below:

20 Copies of all records relating to ORCA Card No. [REDACTED] (an unregistered card
21 owned by Wladyslaw Pestka) and any other ORCA Card owned by Wladyslaw
22 Pestka (DOB: 02/24/1959, SSN: xxx-xx-REDACTED), including those showing trip data
(e.g., location, dates, and times of travel).

23 **Place:** Le Gros Buchanan & Paul
4025 Delridge Way SW, Suite 500
Seattle, WA 98106

Date & Time: March 16, 2018, 12 p.m.

SUBPOENA DUCES TECUM TO SOUND TRANSIT – Page 1
(Cause No. 17-2-15755-4 SEA)
(28643-00388324;1)

LE GROS BUCHANAN
& PAUL
4025 DELRIDGE WAY SW
SUITE 500
SEATTLE, WASHINGTON 98106-1271
(206) 623-4990

1 DATED this 2nd day of March, 2018.

2 LE GROS BUCHANAN & PAUL

3
4 By: 

5 Carey M.E. Gephart, WSBA # 37106

6 Daniel J. Park, WSBA #43748

7 4025 Delridge Way SW, Ste. 500

8 Seattle, WA 98106

9 Tel: (206) 623-4990

10 Fax: (206) 467-4828

11 Email: cgephart@legros.com

12 dpark@legros.com

13 Attorneys for Defendants Icicle

14 Seafoods, Inc. and Bering Fishing, LLC

RULE CR 45, Parts C & D:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to subsection (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden, provided that the court may condition denial of the motion upon a requirement that the subpoenaing party advance the reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information in camera to the court for a determination of the claim. The person responding to the subpoena must preserve the information until the claim is resolved.

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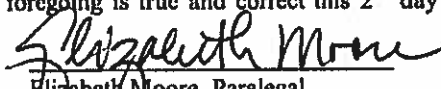
CERTIFICATE OF SERVICE

The undersigned certifies that on this day she caused to be served in the manner noted below, a copy of the document to which this certificate is attached, on the following counsel of record:

James P. Jacobsen
Joseph S. Stacey
STACEY & JACOBSEN, LLP
4039 - 21st Avenue W., #401
Seattle, WA 98199
Email: jjacobsen@maritimelawyer.us
jstacey@maritimelawyer.us

☐ Hand Delivery
☒ E-mail (courtesy)
☐ FAX
☒ U.S. Mail

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct this 2nd day of March, 2018


Elizabeth Moore, Paralegal
Signed at Seattle, Washington

DECLARATION OF RECORDS CUSTODIAN

The undersigned records custodian for _____ declares under penalty of perjury that the answers to the following statements are true.

1. In my employment I have custody of the records of **WLADYSLAW PESTKA**, Date of Birth: 02/24/1959, Social Security Number: xxx-xx-_____

2. These records are kept in the regular course of business.

3. These records are made at or near the time of the act, condition or event.

4. No changes or alterations have been made in these records since the date they were originally prepared, unless identified as follows: _____

5. These copies are accurate in all respects to the originals of these records.

6. These records constitute all records in your possession, custody or control relating to the above-referenced individual. ☐ YES ☐ NO If no, records omitted are (list below): _____

7. No records are available because (pick one): ☐ No records found for this individual by name, date of birth, or Social Security Number. ☐ Records Destroyed _____ (date)

I hereby certify and declare under penalty of perjury that the foregoing statements are true and correct.

DATED this ____ day of _____, 201__.

By _____
(Signature)

Print Name: _____

Records Custodian for: _____
(Facility/ Business Name)

Facility/Business Address: _____

{28643-00334121;1}

DECLARATION OF RECORDS CUSTODIAN

**LE GROS BUCHANAN
& PAUL**
4025 DELRIDGE WAY SW
SUITE 500
SEATTLE, WASHINGTON 98106-1271
(206) 623-4990